

§ 85B-4.5. Determination of certain small claims without a prior judicial determination.

Notwithstanding any other provisions of this Chapter, the Commission may, in its discretion, order that payment be made from the Fund, without requiring a prior judicial determination in any case where:

- (1) The total loss claimed by the claimant is two thousand five hundred dollars (\$2,500) or less;
- (2) The amount of alleged loss is readily ascertainable rather than speculative in nature;
- (3) The alleged loss is one that is otherwise compensable under this Chapter;
- (4) The claimant filed a properly notarized complaint with the Commission not more than one year following the date of the alleged wrongful act or conduct of the licensee; and
- (5) The Commission, in its discretion, determines that, based upon the evidence presented, justice would be better served by allowing compensation to be paid without first requiring the aggrieved party to obtain a judgment from a court of competent jurisdiction. (1991 (Reg. Sess., 1992), c. 819, s. 9.)